

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

**UNITED STATES' MOTION FOR AN
EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND**

The United States, by its attorney, Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, moves to extend time to answer or file a motion responsive to the complaint from August 19, 2008, to and including September 19, 2008. In support of that motion, it states as follows:

1. On July 1, 2008, third-party plaintiffs Michael P. Delano and Autopro Express, Inc., filed a state court contribution claim against John D. McCarter, seeking contribution pursuant to the Illinois Joint Tortfeasor Contribution Act, 740 Ill. Comp. Stat. 100/1 *et seq.*, for more than its *pro rata* share of liability arising from personal injuries and property damage sustained during a July 20, 2006, car accident. On July 8, 2008, third-party plaintiff Systems Transport, Inc., followed suit, alleging both contribution and negligence claims.
2. On August 12, 2008, the United States removed the entire case in accordance with 28 U.S.C. § 2679(d)(2) upon certification by the designee of the Attorney General of the United States that defendant John D. McCarter was acting within the scope of his employment as an employee of the United States at the time of the incidents out of which the claims arose.
3. Under Federal Rule of Civil Procedure 81(c), the United States' answer is due five days after filing its petition for removal, or within twenty days of receiving notice of the initial pleading, whichever is longest. Here, the longer date is within five days of removal, or August 19, 2008.
4. Under Rule 12 (3)(a), the United States is normally given 60 days to answer a complaint after service on the U.S. Attorney's Office.

5. In this case, the United States is seeking a motion to extend time to answer to September 19, 2008, to give the undersigned AUSA an opportunity to obtain the case file and coordinate a response with agency counsel.

WHEREFORE, the United States requests a 30-day extension of time to respond to the complaint, to and including September 19, 2008.

Respectfully submitted,

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